

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/977,787	HARTMANN, UDO	
	Examiner John P. Trimmings	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment and RCE dated 3/7/2005.
2.  The allowed claim(s) is/are 1-13.
3.  The drawings filed on 15 October 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 05032005.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*ALBERT DEGADY*  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CEN

### **DETAILED ACTION**

This Office Action is response to an amendment dated 2/7/2005, and an RCE dated 3/7/2005, each from the applicant.

Claims 1 and 9 were amended.

Claims 1-13 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/7/2005 has been entered.

#### ***Response to Amendment***

2. In view of the applicant's amendment to Claims 1 and 9, the examiner withdraws the rejection of said claims under 35 USC 112 second paragraph.

3. As per the applicant's argument in re: indentation of steps in a claim. The examiner acknowledges the applicant's right to refuse indenting steps in a claim as requested in the first Office Action of 3/24/2004 (see 37 CFR 1.75(i) and MPEP 608.01(m); "each element or step should be separated by a line indentation").

Art Unit: 2133

4. Applicant's arguments, see amendment dated 2/7/2005, with respect to independent Claims 1 and 9, have been fully considered and are persuasive. The rejection under 35 USC 103(a) of independent Claims 1 and 9, and dependent Claims 2-8 and 10-13 has been withdrawn.

#### **EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ralph Locher on 5/2/2005.

As per Claim 5:

Line 4 of the claim is changed as follows: "items produced from the predetermined test pattern data item and writing to".

As per Claim 7:

Lines 4 and 5 are changed as follows: "storing the data items produced from the predetermined test pattern data item and writing to the data memory, and a second buffer store".

#### ***Allowable Subject Matter***

Art Unit: 2133

1. Claims 1-13 are allowed. The following is an examiner's statement of reasons for allowance: The reference art of Lepejian et al. and Kanehira et al. teach a circuit and method for testing a data memory comprising a processing unit for converting and expanding a test pattern, writing into and reading out of a memory, a tester designating to the processing unit how it will convert the pattern, reading the converted and expanded test pattern from the memory, de-converting the data read out of the memory, and determining if the data memory is faulty based on a comparison. However, the prior arts of record taken alone, or in combination failed to teach, anticipate, suggest, or render obvious the claimed invention or the method steps of the application. Specifically, as per independent Claims 1 and 9, the prior arts failed to teach, anticipate, suggest, or render obvious the limitation introduced into these claims, namely: the comparison compares the de-converted test data items with each other, and with the original test pattern. Consequently, Claims 1 and 9 are allowed over the prior arts of record. Claims 2-8 and 10-13 are directly or indirectly dependent upon Claims 1 and 9, and therefore are also allowable over the prior arts of record. Therefore claims, 1-13 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Art Unit: 2133

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Trimmings whose telephone number is (571) 272-3830. The examiner can normally be reached on Monday through Thursday, 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John P Trimmings  
Examiner  
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jpt



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